HON'BLE Dr. JUSTICE G. YETHIRAJULU

W.P. No. 9120 of 2004

Dated this the 18th day of December 2007

Between:

L. Muralidhar Reddy … Petitioner

AND

The Commissioner of Endowments,
Endowments Department,
Tilak Road, Hyderabad
and 3 others … Respondents

HON'BLE Dr. JUSTICE G. YETHIRAJULU

W.P. No.9120 of 2004

ORDER:

This Writ Petition has been filed by the petitioner praying to declare that the action of the third respondent-Assistant Commissioner of Endowments, Mahabubnagar District in issuing the proceedings dated 16.03.2004 is illegal and arbitrary and in violation of principles of natural justice.

2) The third respondent passed an order recognizing Sri S.T.S. Raghavendra Chary as member of the founder's family of Sri Ranganayaka Swamy Temple and he also directed adding the name of Sri S.T. Raghavendra Chary, as member of the founder's family in column No. 4 of Section 43 of the Andhra Pradesh Endowments Act subject to the decision of O.A.No.934 of 2003 pending before the second respondent-Deputy Commissioner of Endowments, Hyderabad.

3) The petitioner appeared to have filed O.A.No.934 of 2003 before the second respondent to recognize him as member of the founder's family and it is pending adjudication. During pendency of the said O.A., the impugned order has been passed by the third respondent mentioning that the order is subject to the decision of O.A.No.934 of 2003. Whether the petitioner is to be recognized as member of the founder's family or not is a question to be decided by the second respondent after a detailed enquiry in the O.A. filed by the petitioner. The third respondent passed the impugned order on the basis of the report given by the Inspector, Endowments Department, Mahabubnagar to the effect that the fourth respondent can be recognized as member of the founder's family and in pursuance of that he passed the said order. If the O.A. filed by the petitioner is disposed of and if the petitioner has recognized as member of the founder's family, the order of the third respondent may not in force. Therefore, it is appropriate for the petitioner to get the O.A. disposed of before the second respondent, instead of approaching this Court seeking declaration that the order of the third respondent is illegal and arbitrary. In view of the pendency of the O.A.No.934 of 2003 before the second respondent, the writ petition cannot be maintained.

4) Accordingly, the Writ Petition is dismissed. No order as to costs.

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Dr.G. YETHIRAJULU, J

Date: 18-12-2007
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